

## **Remarks**

### **1. Summary of the Office Action**

In the office action mailed on October 1, 2009, the Examiner rejected claims 30-32, 34-37, 39, 40, 42-44, 46, 47, and 49 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Pat. No. 6,813,266 ("Chiang"). Applicants thank the Examiner for the indication that claims 33, 38, 41, 45, and 48 contain allowable subject matter (although those claims are objected to as being dependent from rejected independent claims).

### **2. Status of the Claims**

Pending are claims 30 to 49, of which claims 30, 39, and 47 are independent. Independent claim 30 recites "responsive to initiating the transmission, receiving at the lower medium access control entity a second portion of the first frame." Independent claim 39 recites "responsive to the initiating of the transmission, receive a second portion of the first frame from the upper medium access control entity." Independent claim 47 recites "in response to the initiation, receive a second portion of the first frame from the upper medium access control entity."

### **3. Anticipation Rejection**

The Examiner purported to reject claims 30-32, 34-37, 39, 40, 42-44, 46, 47, and 49 as being allegedly anticipated by Chiang. As a threshold matter, the Applicant objects to the insufficiency and inappropriateness of this rejection to the extent that it purports to apply to claims 30-32, 34-37, 39, 40, 42-44, and 46 and requests that the rejection be withdrawn as to those claims. Specifically, the Examiner did not provide applicants with any analysis of each independent claim, let alone each pending claim. Instead, the Examiner presented an interpretation of Chiang allegedly reading on independent claim 47 and left the Applicant to infer

the rejection of the other claims, despite differences in language from claim to claim.

Moreover, as dependent claim 49 depends from independent claim 47, Applicant accepts the Examiner's failure to address dependent claim 49 over and above claim 47 as an admission that dependent claim 49 contains allowable subject matter, like claims 33, 38, 41, 45, and 48.

Notwithstanding the insufficiency of the anticipation rejection, Applicant submits that Chiang does not teach each and every element of the independent claims and, therefore, cannot anticipate the claims. *See* M.P.E.P. § 2131. Chiang discloses "Pipelined Access to Address Table in a Network Switch" and focuses on "a switching device that includes a decision making engine designed to support networks requiring a high data throughput." Title, col. 1, ln. 63-65. In particular, Chiang describes a switch with an internal rules checker that has four logic engines configured to process data frames in a parallel, pipelined manner. Col. 10, ln. 58-65.

Chiang does not teach "responsive to initiating the transmission, receiving at the lower medium access control entity a second portion of the first frame." Claim 30, however, requires, "responsive to initiating the transmission, receiving at the lower medium access control entity a second portion of the first frame." The Examiner relied upon the discussion in Chiang of the internal rules checker processing data frames in a pipelined manner for this element. Office action, p. 4, citing col. 8, ln. 62-65 of Chiang. But that discussion in Chiang discloses nothing of the sort that is recited in the claims. First, the pipelined processing does not occur in a lower medium access control entity; rather, it occurs in the switch proper, away from the shared communications channel moderated by the MAC Unit and away from the MAC Unit itself. *See, e.g.,* Fig. 2, in which the IRC is reference numeral 40 and the MAC unit is reference numeral 12. Second, portions of data frames are not used in the pipelined processing. Instead, each data frame is being processed as a whole, not in portions. Chiang, col. 10, ln. 65-67 ("each [of the

four IRC] logic engine[s] is able to perform its respective processing on a *different* data frame simultaneously with the other respective logic engines.”)(emphasis added). Given those deficiencies, it is unsurprising that Chiang is also silent with respect to “responsive to initiating the transmission.” Because Chiang does not disclose “responsive to initiating the transmission, receiving at the lower medium access control entity a second portion of the first frame,” which is recited in independent claim 30, Chiang does not anticipate any of independent claim 30.

Independent claim 39 recites “responsive to the initiating of the transmission, receive a second portion of the first frame from the upper medium access control entity,” and independent claim 47 recites “in response to the initiation, receive a second portion of the first frame from the upper medium access control entity.” For much the same reasons as outlined above with respect to claim 30, Chiang fails to teach these elements of independent claims 39 and 47. For at least these reasons, Applicant submits that all of the independent claims are allowable.

Furthermore, as the other pending claims all depend from allowable independent claims, those dependent claims are also in condition for allowance.

Applicant does not concede any of the Examiner’s other substantive arguments, as to either pending claims or canceled claims, and reserves the right to traverse any and all of those arguments as necessary in future communications.

Should the Examiner wish to discuss this case, the Examiner is invited to call the undersigned at (312) 913-3359.

Respectfully submitted,

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